JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

CHECKCARE ENTREPRISES, LLC

DEFENDANTS

S&D HOLDINGS, LLC D/B/A CHECKCARE SYSTEMS MEMPHIS; PAYTECK SOLUTIONS, LLC., SUSAN PERLMUTTER

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Kim Koratsky, Tyson Gorman, Wyatt, Tarrant & Combs, LLP

Attorneys (If Known)

Unkown

II. BASIS OF JURISDICTION   (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☑ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff
(For Diversity Cases Only)   and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☑ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☑ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance	**PERSONAL INJURY**	**PERSONAL INJURY**	☐ 610 Agriculture	☐ 422 Appeal 28 USC 158	☐ 400 State Reapportionment
☐ 120 Marine	☐ 310 Airplane	☐ 362 Personal Injury -	☐ 620 Other Food & Drug	☐ 423 Withdrawal	☐ 410 Antitrust
☐ 130 Miller Act	☐ 315 Airplane Product	Med. Malpractice	☐ 625 Drug Related Seizure	28 USC 157	☐ 430 Banks and Banking
☐ 140 Negotiable Instrument	Liability	☐ 365 Personal Injury -	of Property 21 USC 881		☐ 450 Commerce
☐ 150 Recovery of Overpayment	☐ 320 Assault, Libel &	Product Liability	☐ 630 Liquor Laws	**PROPERTY RIGHTS**	☐ 460 Deportation
& Enforcement of Judgment	Slander	☐ 368 Asbestos Personal	☐ 640 R.R. & Truck	☐ 820 Copyrights	☐ 470 Racketeer Influenced and
☐ 151 Medicare Act	☐ 330 Federal Employers'	Injury Product	☐ 650 Airline Regs.	☐ 830 Patent	Corrupt Organizations
☐ 152 Recovery of Defaulted	Liability	Liability	☐ 660 Occupational	☐ 840 Trademark	☐ 480 Consumer Credit
Student Loans	☐ 340 Marine	**PERSONAL PROPERTY**	Safety/Health		☐ 490 Cable/Sat TV
(Excl. Veterans)	☐ 345 Marine Product	☐ 370 Other Fraud	☐ 690 Other		☐ 810 Selective Service
☐ 153 Recovery of Overpayment	Liability	☐ 371 Truth in Lending	**LABOR**	**SOCIAL SECURITY**	☐ 850 Securities/Commodities/
of Veteran's Benefits	☐ 350 Motor Vehicle	☐ 380 Other Personal	☐ 710 Fair Labor Standards	☐ 861 HIA (1395ff)	Exchange
☐ 160 Stockholders' Suits	☐ 355 Motor Vehicle	Property Damage	Act	☐ 862 Black Lung (923)	☐ 875 Customer Challenge
☐ 190 Other Contract	Product Liability	☐ 385 Property Damage	☐ 720 Labor/Mgmt. Relations	☐ 863 DIWC/DIWW (405(g))	12 USC 3410
☐ 195 Contract Product Liability	☐ 360 Other Personal	Product Liability	☐ 730 Labor/Mgmt.Reporting	☐ 864 SSID Title XVI	☐ 890 Other Statutory Actions
☑ 196 Franchise	Injury		& Disclosure Act	☐ 865 RSI (405(g))	☐ 891 Agricultural Acts
REAL PROPERTY	**CIVIL RIGHTS**	**PRISONER PETITIONS**	☐ 740 Railway Labor Act	**FEDERAL TAX SUITS**	☐ 892 Economic Stabilization Act
☐ 210 Land Condemnation	☐ 441 Voting	☐ 510 Motions to Vacate	☐ 790 Other Labor Litigation	☐ 870 Taxes (U.S. Plaintiff	☐ 893 Environmental Matters
☐ 220 Foreclosure	☐ 442 Employment	Sentence	☐ 791 Empl. Ret. Inc.	or Defendant)	☐ 894 Energy Allocation Act
☐ 230 Rent Lease & Ejectment	☐ 443 Housing/	**Habeas Corpus:**	Security Act	☐ 871 IRS—Third Party	☐ 895 Freedom of Information
☐ 240 Torts to Land	Accommodations	☐ 530 General		26 USC 7609	Act
☐ 245 Tort Product Liability	☐ 444 Welfare	☐ 535 Death Penalty			☐ 900 Appeal of Fee Determination
☐ 290 All Other Real Property	☐ 445 Amer. w/Disabilities -	☐ 540 Mandamus & Other			Under Equal Access
	Employment	☐ 550 Civil Rights			to Justice
	☐ 446 Amer. w/Disabilities -	☐ 555 Prison Condition			☐ 950 Constitutionality of
	Other				State Statutes
	☐ 440 Other Civil Rights				

V. ORIGIN   (Place an "X" in One Box Only)

- ☑ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Complaint for Injunctive Relief by Kentucky-based franchisor against Tenness-based franchisee- 28 U.S.C 1332

Brief description of cause:
Franchisee has unilaterally left franchise and started a new competing entity in violation of non-compete

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☑ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____   DOCKET NUMBER _____

DATE
6/19/06

SIGNATURE OF ATTORNEY OF RECORD
s/ Kim Koratsky

FOR OFFICE USE ONLY

RECEIPT # _____   AMOUNT _____   APPLYING IFP _____   JUDGE _____   MAG. JUDGE _____